

REMARKS

The Applicants acknowledge the Examiner's comprehensive Office Action with appreciation. Claims 12-24 are pending in the application. The Office raises rejections under 35 USC § 112, first and second paragraphs. The Office also raises a prior art rejection under 35 USC § 103. The Office acknowledges the priority claims to French Application FR 03.11595 and International Application PCT/FR2004/02489.

Claims 16-20, 22, and 24 are rejected for indefiniteness under 35 USC § 112, second paragraph. It is the position of the Office that "compound (A)" recited in Claims 16-18 and 20 is indefinite because compound (A) is not further defined by a structural formula in these claims. With the instant Amendment, Claim 16 has been amended to incorporate the definition of compound (A) recited in Claim 12, and Claims 17-18 and 20 have been amended to recite "the compound (A) of formula (I)."

It is also the position of the Office that the phrase "associated with" recited in Claims 22 and 24 is vague and indefinite, and the Office requests appropriate correction. With the instant Amendment, the phrase "associated with atherosclerosis, hypertension, diabetes and heart failure" has been deleted from Claim 22, and the phrase "is associated with" has been replaced with "results from" in Claim 24.

Claim 23 is rejected for lack of written description and lack of enablement under 35 USC § 112, first paragraph, based on the term "preventing." With the instant Amendment, the term "preventing" has been deleted from Claim 23.

With the instant Amendment, Claims 12 and 21 have also been amended to correct certain typographical errors.

The Applicants respectfully submit that the claims, as amended, comply with the requirements of 35 USC § 112, first and second paragraphs, and that no new matter has been introduced by the above-mentioned amendments. Reconsideration and

withdrawal of the rejections under 35 USC § 112, first and second paragraphs, is respectfully requested.

Claims 12-24 are rejected for obviousness under 35 USC § 103(a) based on the disclosure of Ogletree, et al. (US Published Application No. 2003/0109543) in view of Lavielle, et al. (US Patent No. 5,472,979). It is the position of the Office that Ogletree, et al. disclose compositions comprising an ADP-receptor blocking antiplatelet drug, such as clopidogrel, in combination with a thromboxane A₂ receptor antagonist, such as ifetroban, as well as a method for inhibit platelet aggregation and thrombus formation by administering the disclosed combinations. It is the further position of the Office that Ogletree, et al. disclose treatment of cardiovascular diseases with the disclosed combinations. The Office acknowledges that Ogletree, et al. do not disclose compositions comprising the instant compound (A) of formula (I).

It is the position of the Office that Lavielle, et al. disclose that the instant compound (A) of formula (I) is an anti-thromboxane A₂ receptor antagonist which is useful as an anti-thrombotic in the treatment of cardiovascular diseases.

The Office concludes that, based on the disclosure of Lavielle, et al. one skilled in the art would have been motivated to replace the thromboxane A₂ receptor antagonist, such as ifetroban, of the Ogletree, et al. composition with compound (A) of formula (I) to arrive at the instantly claimed combination.

The Applicants respectfully submit that the instant specification discloses (at page 5) that the instantly claimed combination exhibits synergistic effects in terms of antithrombotic activity compared to monotherapy and that this synergistic effect has been demonstrated in a clinical setting. Moreover, with the instant Response, the Applicants submit a Declaration by Dr. Laurence LEROND, a scientist skilled in this particular art, which speaks to the superior and unexpected effects associated with the instantly claimed compositions when compared to the compositions disclosed in the Ogletree, et al. reference cited by the Office. Specifically, the Declarant provides comparative data which demonstrate that the instantly claimed compositions exhibit

synergistic effects in terms of antithrombotic activity, which effects are not observed with a representative example of the compositions disclosed in the Ogletree, et al.

The Applicants respectfully submit that the superior and unexpected effects associated with the instantly claimed compositions are not taught or suggested by the Ogletree, et al. reference in combination with the Lavielle, et al. reference, and that, therefore, the combined disclosure of the cited references does not render the instantly claimed compositions, or the use of such compositions, obvious.

Reconsideration and withdrawal of the obviousness rejection under 35 USC § 103(a) is respectfully requested.

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Accordingly, entry of present amendment and the LEROND Declaration, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned agent has made an earnest effort to place this application into condition for immediate allowance. If she can be of assistance to the Examiner in the elimination of any possibly-outstanding insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call her at her below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

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Enclosure: LEROND Declaration; Listing of Claims; Check No. 76879 in the amount of \$1,110.00 for Three (3) Month Extension Fee; and Postal Card Receipt

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.